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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 **JERONIMO SAENZ FUENTES, JR.,**) **CV F 04-6380 AWI**
11) (**CR F 98-5370 AWI**)
12 **Petitioner,**)
13 **v.**)
14 **UNITED STATES OF AMERICA,**)
15 **DISTRICT COURT FOR EASTERN**)
16 **DISTRICT OF CALIFORNIA,**)
17 **Respondent.**)
18 _____

19 Petitioner Jeronimo Saenz Fuentes, Jr. ("Petitioner") seeks relief under 28 U.S.C. section
20 2255 from the sentence of 87 months imposed on him by this court on April 10, 2000, following
21 his conviction by plea agreement to one count of conspiracy to manufacture, distribute and
22 possess methamphetamine for distribution. On August 16, 2005, this court issued an order to
23 show cause why the petition should not be dismissed as untimely filed. Petitioner was ordered to
24 file a response to the order to show cause not later than September 19, 2005. No response has
25 been filed as of the date of this order. Therefore, the court will dismiss the petition for the
reasons set forth in the order to show cause and will close the case.

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27 THEREFORE, for the reasons set forth in this court's order of August 16, 2005, directing
28 Petitioner to show cause why the petition should not be dismissed as untimely, it is ORDERED

1 that the petition of Jeronimo Saenz Fuentes, Jr. to modify, correct or vacate his sentence pursuant
2 to 28 U.S.C. section 2255 is HEREBY DISMISSED. The Clerk of the Court is ordered to
3 CLOSE case number 04cv6380 and case number 98cr5370 with respect to Jeronimo Saenz
4 Fuentes, Jr.

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6 IT IS SO ORDERED.

7 Dated: November 2, 2005
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE